

FILED

JUN 24 2019

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

GLENN L. COX,

Plaintiff,

vs.

BNSF RAILWAY COMPANY, a  
Delaware Corporation,

Defendant.

CV 19-82-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on June 7, 2019, recommending that the Court grant Defendant BNSF Railway Company's motion for summary judgment and dismiss Plaintiff Glenn L. Cox's complaint with prejudice. (Doc. 15.) Cox failed to timely object to the Findings and Recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). This Court reviews for clear error those findings and recommendations to which no party objects. *See Thomas v. Arn*, 474 U.S. 140, 149-53 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been made." *Wash. Mut., Inc. v. United States*, 856 F.3d 711, 721 (9th Cir. 2017) (citation omitted).

The Court finds no clear error in Judge Lynch's recommendation to dismiss Cox's complaint when Cox agreed that dismissal is proper because he did not file his complaint within the applicable statute of limitations. (See Doc. 13.)

Accordingly, IT IS ORDERED that:

- (1) Judge Lynch's Findings and Recommendation (Doc. 15) is ADOPTED IN FULL;
- (2) Defendant's Motion to Dismiss (Doc. 8) is GRANTED;
- (3) Plaintiff's Complaint is DISMISSED with prejudice;
- (4) All pending motions are dismissed as moot; and
- (5) The Clerk of Court shall enter judgment for Defendant and shall close this case.

DATED this 24<sup>th</sup> day of June, 2019.



Dana L. Christensen, Chief Judge  
United States District Court